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P A R L E M E N T E U R O P E E N

COMMISSION DES AFFAIRES ETRANGERES ET DE LA SECURITE

Sous-commission "Droits de l'homme"

Délegation pour les relations avec les pays membres de l'ANASE et la République de Corée (OIPA)

COMMUNICATION AUX MEMBRES

Les membres trouveront en annexe, en vue de l'audition publique proposée par la commission des affaires étrangères sur le "respect des droits de l'homme au Timor oriental", un exemplaire du rapport provisoire élaboré par la commission nationale d'enquête sur les événements survenus le 12 novembre 1991 à Dili. Le texte est uniquement disponible dans la langue dans laquelle il a été adressé au Parlement par les autorités indonésiennes, à savoir l'Anglais.

DIRECTION GENERALE DES COMMISSIONS
ET DELEGATIONS

Annexe

11 février 1992

ANNEX

PERUTUSAN REPUBLIK INDONESIA
UNTUK
MASYARAKAT EROPA

MISSION OF THE REPUBLIC OF INDONESIA
TO THE
EUROPEAN COMMUNITIES

No. : 004/DB-PRI/Pol/92

Brussels, 21 January 1992

H.E. Mr. Egon A. Klepsch
President
The European Parliament
Ru Belliard 89-91
B-1047 Brussels

PARLEMENT EUROPEEN
29. I. 1992
N° 1360

Your Excellency,

Upon instruction of my Government, I have the honour to transmit herewith a copy of the Advance Report of the National Commission of Inquiry into 12 November 1991 incident in Dili for your information.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Atmono Suryo
Ambassador

PE 156.343/Ann.

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PERUTUSAN REPUBLIK INDONESIA
UNTUK
MASYARAKAT EROPA

MISSION OF THE REPUBLIC OF INDONESIA
TO THE
EUROPEAN COMMUNITIES

ADVANCE REPORT OF THE NATIONAL COMMISSION OF INQUIRY INTO 12 NOVEMBER 1991 INCIDENT IN DILI

PE 156.343/Ann.

Boulevard du Souverain, 7 B-1170 Brussels ☎ (32-2) 660 00 15 Telex 20379 a Putri b

Unofficial translation

ADVANCE REPORT
of the
NATIONAL COMMISSION OF INQUIRY
into
12 NOVEMBER 1991 INCIDENT IN DILI

I. Introduction

1. General.

The National Commission of Inquiry (NCI), established by Presidential Decree no. 53 1991, comprising 7 members, commenced its task on November 21, 1991. Its activities covered the preparatory gathering of information in Jakarta from 21 November 1991 until 27 November 1991, followed by an investigation in East Timor (Dili and surrounding areas) from 28 November 1991 until December 14 1991.

2. Purpose and Objective.

The National Commission of Inquiry is to conduct the investigation in an independent, meticulous, just and comprehensive manner, with a view to obtaining objective information and facts regarding the 12 November 1991 incident in Dili.

3. Scope.

In implementing its task, the NCI is to delve into all aspects relating to the 12 November 1991 incident in Dili, and not to conduct a police investigation.

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4. Working Methods.

The NCI is to conduct its investigation by the following methods : examining documents; meeting and interviewing various sources and eyewitnesses, field observation, reconstruction of events, cross-checking of information and data, tabulation and analysis.

5. Outline of Report.

This report is organized in the following order :

I. Introduction

II. Implementation of activities

III. Analysis of the 12 November 1991 incident in Dili

IV. Conclusions

V. Epilogue

II. IMPLEMENTATION OF ACTIVITIES

1. Preparatory steps and compilation of data in Jakarta

a. Defining a work program; compiling and studying data, information and other references for investigation; establishing a Secretariat to handle administrative matters.

b. Meeting the Vice-President.

c. Obtaining clarifications and inputs from the Minister for Defense and Security

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who was also acting as Minister for Foreign Affairs ad interim, the Minister for Internal Affairs and the Commander of the Armed Forces.

2. Investigative activities in the Province of East Timor (Dili and its surroundings)

a. Meetings with the Governor of East Timor (five times in total), and meetings with the Regent of the Regency of Dili, the Mayor of the town of Dili, a number of sub-district heads and village chiefs, arranged selectively and separately.

b. Meetings with Bishop Carlos Filipe Ximenes Belo (four times in total), and meetings with Pastors Alberto Ricardo Da Silva, Albrecht Kareem, Markus Wanandi, Locatelli, Jose Carbonell and Jose Antonio Da Costa.

c. Meetings with the Commander of the Operational Command (PANGKOLAKOPS) on five different occasions, a number of meetings with the staffs of the Operational Command and related units, including the Local Police and the Judiciary Team which was established to conduct a judicial investigation on the 12 November 1991 incident in Dili. The NCI also met with the Commander of Military Region IX/ Udayana in Denpasar (Bali).

d. Meetings with the Head of the first-level Regional Council and the Head of the second-level Regional Council.

e. Meetings with social-political organizations, people's organizations and local community leaders.

f. Meetings and conducting interviews with 132 eyewitnesses

g. Visiting Wira Husada military hospital in Dili, Dili's General Hospital and a number of People's Health Centres (PUSKESMAS) as well as local police detention centres.

h. Retracing the demonstration route starting from the Motael church up to the Santa Cruz public cemetery and conducting several, on-site reconstructions of events. The NCI also inspected and took note of as many as 70 bullet marks on the walls and doors of the Santa Cruz cemetery, on the surrounding trees and electric poles.

i. Inspecting Hera public cemetery; the disinternment (exhumation) of 1 (one) of the 18 graves of the victims revealed, that the victim was buried in a coffin, completely dressed in accordance with Catholic tradition, and clearly established that only one single corpse was buried in the grave. The NCI also conducted inspections and excavations at locations around Hera, Pasir Putih, Tasi Tolu and Tibar in response to information received from the local people alleging that those were places of mass burial of victims of the Dili 12 November 1991 incident.

However, no evidence could be obtained at these locations in support of these allegations.

III. ANALYSIS OF THE 12 NOVEMBER 1991 INCIDENT IN DILI

1. General

a. Over the period of 15 years since integration, there has been rapid development in East Timor resulting in a higher standard of living for the people. One of the consequences of this development is that the city of Dili became heavily urbanized : its population swelled from 25,000 at the time of integration to 124.284 today (in a province with a total population of 755,950), thus creating social problems. The rapid pace of development in the field of education resulted in large numbers of elementary/ junior high/ senior high graduates, all searching for work, thus heightening the level of unemployment among the younger work force. This partly explains why some of the younger people were susceptible to propaganda from the anti integration group /Fretilin Security Disturbance Perpetrators (hereafter called the SDP) and willingly became core actors in the demonstration, apart from those who merely went along with the stream and those who were forced to do so. In keeping with the national development policy, territorial operations were launched since 1989 by the Armed Forces, together with government apparatus and other social forces, employing the developmental or prosperity approach and an approach based on love and affection.

b. On the other hand, the remnants of Fretilin/SDP had become increasingly isolated and

weakened which led them to shift their mode of operations from rural guerilla to urban guerilla, capitalizing on every passing opportunity to wreak havoc, to perpetrate terrorist activities and to attract international attention in order to prove their existence. The only hope for the Fretilin SDP to preserve their existence and to gain support from East Timorese people lies in the expectation to get assistance from foreign sources, be it from remnants of Fretilin/SDP abroad or from other anti-Indonesian groups in foreign countries.

2. Prologue to the 12 November 1991 Incident.

The 12 November 1991 incident in Dili is believed to be related to previous similar events, namely :

a. 1989.

1) A demonstration was held by about 20 youths, who exhibited anti-Indonesia posters during the visit of Pope John Paul II subsequent to a mass in Tasi Tolu, Dili, on 12 October 1989.

2) Some 50 youths provoked 2 officers by throwing stones at them at Lesidere field, Dili, on November 4, 1989.

b. 1990

1) Some 50 youths held a demonstration at Hotel Turismo during the working visit of US Ambassador John Monjo, 17 January 1990; some 250 youths then

proceeded to march around the town of Dili on 18 and 19 January 1990.

2) A demonstration was held by about 200 youths in the aftermath of a mass to commemmorate fifty years of the Dili Diocese, 4 September 1990; demonstrators exhibited a number of anti-integration banners and a Fretilin flag.

3) A school and a vehicle belonging to the local security apparatus were wrecked and an officer was attacked at Junior High IV, Dili, by a group of anti-integration youths who had used 'Externato' school as a basis for their activities, 8 October 1990.

4) A group of students from Santo Paulus Junior High, Dili, beat an officer who was trying to erase writings on the wall and take-away posters with anti-Pancasila messages, seized his weapon and hauled down an Indonesian flag on the school yard, October 15 1990.

C. 1991

Fighting erupted between a group of anti-integration youths who were within the premises of Motael Church and a group of pro integration youths coming from outside the premises, leading to the death of Sebastiao Gomes from the anti-integration group and Alfonso Gomes from the pro-integration group, on 28 October 1991.

3. The 12 November 1991 Incident

a. In preparation of the intended visit by a Portuguese Parliamentary delegation, it is

assumed that there had been increased activities by anti-integration groups/Fretilin SDP who regarded the visit as an opportunity for them to show their existence to the outside world. Since the visit was called-off, the preparations already undertaken were shifted towards organizing demonstrations, thereby utilizing the opportunity of the fourteen day commemorative mass for the death of Sebastiao Gomez on November 12, 1991 and the presence in Dili of Prof. Kooijmans, the UN Special Rapporteur for Human Rights on Torture.

b. According to information obtained from eyewitnesses, a number of foreigners took part in that demonstration.

c. Fretilin's role in the demonstration was clearly evident in the unfolding of Fretilin flags, the Falentil flag (the flag of the armed faction of Fretilin), the emblem of Uniao de Convergencia Nacional de Timor Leste, a number of anti-integration banners and a picture of Fretilin SDP leader Xanana. The demonstration started after the mass from the street in front of the Motael Church, and hence moved along the main street towards the Santa Cruz cemetery. Along the way, the demonstrators shouted anti-integration yells, glorified Fretilin/SDP figure Xanana and ridiculed the security apparatus. In such a disorderly, wild and unruly atmosphere, the demonstrators stabbed Major Gerhan Lantara the Deputy Commander of Batallion 700 who is the intelligence officer for military Sector-C, and wounded Private Domingos, a member of the Military District Command in Dili in the frontyard of the Dharma Wanita building, and threw stones at

the Bank Summa building as well as the old Police Station resulting in the shattering of windows of the two buildings.

d. On the 12 November 1991 Incident itself, especially on what actually happened at the Santa Cruz cemetery, the following information and data have been compiled, and categorized into the following :

1) Before the shooting :

While the demonstrators were on the march, a mass of people had earlier gathered at Santa Cruz cemetery. As the demonstrators joined the crowd already gathered at the cemetery, they continued to display Fretilin flags, Falentil flags, emblems of Uniao de Convergencia Nacional-de-Timor Leste, anti-integration banners and pictures of Fretilin SDP leader Xanana, and chanted anti-integrationist yells and insults at members of the security apparatus.

2) Warning shots :

There were two versions of eyewitnesses' accounts. On the one hand, a number of eyewitnesses stated that there were one or two warning shots, while on the other hand, other witnesses contended that the shots were directly aimed at the crowd without any warning shots.

3) The Shooting at the crowd :

There are three different versions of eyewitnesses' accounts. Firstly, several witnesses claimed that the troops arrayed in anti-riot formation fired shots aimed directly at the crowd. Other eyewitnesses maintained that shots were fired after fighting erupted and an attempt was made to seize arms, accompanied by the tossing of a hand-grenade at the security forces by the crowd.

In addition, some other witnesses said that the shots were fired by an uncontrollable group of security personnel, who were not in proper formation nor in proper uniform and obviously in a highly-charged emotional state.

4) According to eyewitnesses' accounts, apart from the shooting there also occurred stabbings with sharp instruments, beatings by blunt instruments, by hand and kicking by security officers against the crowd demonstrators.

4. The dead, wounded and missing :

Based on information compiled, the Commission has collected the following data :

a. Deaths.

According to information received from KOLAKOPS, the death toll reached 19, evidenced by the number of corpses buried in the Hera public cemetery, at which all were given proper rites and prayers by a Catholic military chaplain. No pictures for identification purpose were taken of the deceased, and they could also not be identified

by name or address, although visum et repertums were made. Among the 19 was the New Zealander Kamal Ahmad Bamadhaj, whose remains was subsequently handed over to his family upon the latter's request. But according to the account of other eyewitnesses and sources, the death toll exceeded 19 and their figures varied from 50, 60 to over 100.

b. The wounded.

According to information obtained from Dili's "Wira Husada" Military Hospital and according to visum et repertums the figures for the wounded were as follows :

1. gunshot wounds : 42 persons
2. stabbing wounds : 14 persons
3. wounds caused by blunt instruments : 35 persons

It is possible that this figure may increase, because a number of those who are assumed to be wounded ran away with the other demonstrators, and probably engaged in their own medical-treatment. Up to 14 December 1991, the number of remaining patients at "Wira Husada" Military Hospital was 41, whereas 50 persons have been returned to their families.

c. Missing

According to oral as well as written information obtained from eyewitnesses and other sources, approximately 90 persons were reported missing. It was acknowledged by the eyewitnesses and other sources that among the missing there are some who may have died, maybe have been wounded or be in good health, may have escaped to the forest or

taken refuge somewhere.

5. Police Examination

The local police of East Timor have questioned 308 demonstrators in accordance with the existing and applicable operational and legal procedures. Among them, 261 were returned to their families through their respective village chiefs. Of the 47 who were held for further questioning, 15 have been freed, 8 are suspected of having committed specific crimes and 24 of having committed general crimes. Police examinations were conducted according to the law, and by including lawyers to provide legal assistance.

V. CONCLUSIONS.

The Commission has strong reasons and grounds to arrive at the following conclusions :

1. The 12 November 1991 incident in Dili is the culmination of a series of earlier demonstrations/incidents perpetrated by the anti-integration group/Fretilin SDP.

The Fretilin SDP, which are being increasingly isolated, have shifted their mode of operations from rural guerilla to urban guerilla, thereby abusively capitalizing on the development policy in East Timor based upon affection and prosperity and taking advantage of the situation, condition as well as the restive mood among the young people to instigate them to oppose integration as well as to attract world attention to their existence.

2. The 12 November 1991 Incident in Dili which caused a number of deaths and other casualties was clearly not an act ordered by or reflecting the policy of the Government or the Armed Forces, be it in the Capital or in the Province of East Timor. The 12 November 1991 Incident was essentially a tragedy which should be deeply regretted.

3. The 12 November 1991 demonstration in Dili showed elements of pre-meditated provocation by a group of anti-integrationist/Fretilin SDP and was not an orderly and peaceful procession dedicated to commemorate the death of Sebastiao Gomes.

4. The demonstrators, who largely consisted of young people have acted belligerently, emotionally and destructively, partly as a result of agitations by the anti integration group/ Fretilin SDP by whom they have been influenced for quite some time. Furthermore, they consciously exhibited Fretilin and Falentil flags, pictures of Fretilin SDP leader Xanana and banners and chanted anti-integration yell and insults at the members of the security apparatus.

5. A number of foreigners took an active part in that demonstration.

6. As the tense atmosphere reached a boiling point, started by the stabbing of an Armed Forces officer and the wounding of a private, and aggravated by the provocative belligerence and aggressive attitude assumed by the crowd which was perceived by the security personnel as posing a threat to their arms and to their safety, a spontaneous

reaction took place among the security personnel to defend themselves, without command, resulting in excessive shooting at the demonstrators, causing deaths and wounded. At the same time, another group of unorganized security personnel, acting outisde any control or command, also fired shots and committed beatings, causing more casualties.

7. In the handling of the riotous condition during the 12 November 1991 incident, despite the presence of riot-control units, the Commission did not observe the optimal implementation of proper riot-control procedures. The actions of a number of security personnel exceeded acceptable norms and led to the casualties, be it in terms of deaths, gunshot wounds, stabbing wounds, or wounds by blunt instruments. Although the casualty toll until now was set at 19 dead and 91 wounded, the Commission feels that there are sufficiently strong grounds to conclude that the death casualties totalled about 50 while the wounded exceeded 91.

8. There was careless handling of those who died, because although the visum et repertums were performed the deceased were not properly identified.
Little opportunity was given to the families / friends of the victims to identify the bodies.

9. The Commission is of the view that in order to uphold justice, action must be taken against all who were involved in the 12 November 1991 Incident in Dili and suspected of having violated the law, and they must be brought to trial in accordance with the Rule

of Law, Pancasila and the 1945 Constitution upon which the Republic of Indonesia is based.

V. EPILOGUE

In undertaking its task, the NCI received full support from all sides, be it from the Government, the Armed Forces, Church officials and community leaders. It has to acknowledge, however, that the NCI faced obstacles because a number of prospective witnesses were not willing to give their account of the event because of doubt and concern that they would be directly incriminated in the 12 November 1991 Incident in Dili, or out of fear that they would be regarded as belonging to the anti integration group.

Jakarta, 26 December 1991

NATIONAL COMMISSION FOR INQUIRY

M. Djaelani	Head/Member	(signed)
Ben Mang Reng Say	Member	(signed)
Clementino Dos Reis Amaral	Member	(signed)
Harisoegiman	Member	(signed)
Hadi A Wayarabi Alhadar	Member	(signed)
Anto Sujata,	Member	(signed)
Sumitro	Member	(signed)

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